IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 7857 of 2005**

Between:

P. Parvathamma, W/o. P. Jayaramudu,
R/o. Post Office Building, Allagadda, Kurnool, Kurnool District.

**..... PETITIONER**

AND

1 Government of India, Rep. by its Secretary, Department of Posts, New Delhi.
2 The Post Master General, Kurnool Region, Kurnool.
3 The Superintendent of Posts, Nandyal Division, Nandyal, Kurnool District.
4 The Post Master, Allagadda, Kurnool District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned letter dt. 31-3-2005 bearing No. D-10/V dated at Nandyal-2 of the 3rd respondent directing the 2nd respondent to shift the post office from premises bearing H.Nos 8-10-69 to 72 situated in 8th ward, 10th Block, Srinivasas Nagar Street, Allagadda Village, Kurnool District, belonging to the petitioner, despite the petitioner expressed her willingness to receive the lowest monthly rent of Rs. 3,000/- as arbitrary, illegal, unconstitutional and consequently set aside the same.

**Counsel for the Petitioner:MR.NAMAVARAPU RAJESWARA RAO**

**Counsel for the RespondentS : MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)**

**The Court, at the statge of admission, made the following:**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.7857 OF 2005**

**ORDER :**

The petitioner seeks a Writ of Mandamus declaring the impugned letter of the third respondent – Superintendent of Post-Offices, Nandyal Division, dated 31-03-2005 as arbitrary and illegal.

Under the impugned letter, the third respondent has informed the 4th respondent – the Post Master, Allagadda that the building of one Sri G.China Obula Reddy has been taken on lease and accordingly directed him to shift the post-office to the said premises making it clear that the post-office should function in the new building from 11-04-2005.

The writ petitioner states that she is the absolute owner and possessor of the premises bearing H.Nos.8-10-69 to 72 which was let out to the respondent in the year 2001 for locating the post-office of Allagadda. However, the petitioner does not dispute the fact that the respondents having intimated her that they are intending to vacate the said premises invited fresh tenders. It is also not in dispute that the petitioner has also participated in response to the tender notice dated 22-12-2004. The grievance of the petitioner appears to be that whereas she has quoted the lowest lease amount of Rs.3,950/- and she has subsequently expressed her willingness to reduce the said amount to Rs.3,000/-, the respondents failed to consider the same and erroneously decided to take the premises belonging to one G.China Obula Reddy on lease. The petitioner alleges that the respondents have agreed to pay a sum of Rs.4,000/- towards the lease amount to the said G.China Obula Reddy. Hence, this writ petition contending that the action of the respondents which would result in loss to the department is arbitrary or illegal.

At the outset, it is to be noted that from the averments in the affidavit, the petitioner failed to make out any case to show the existence of a legal right in her favour which

can be said to have been infringed on account of the impugned action. Nothing has been placed before this Court to show that the respondents have acted in breach of any statutory obligation in deciding to take the premises belonging to China Obula Reddy on lease. Since obviously the matter does not involve enforcement of any statutory right, this Writ Petition under Article 226 of the Constitution of India is misconceived and the same is accordingly dismissed. No costs.

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08th April, 2005.

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To

1 The Secretary, Department of Posts, Government of India,
New Delhi.
2 The Post Master General, Kurnool Region, Kurnool.
3 The Superintendent of Posts, Nandyal Division, Nandyal,
Kurnool District.
4 The Post Master, Allagadda, Kurnool District.

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